

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PATRICK A. GHOSH,
TDCJ #1210558,

Plaintiff,

V.

WARDEN NORMAN McCLURE, *et al.*,

Defendants.

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CIVIL ACTION NO. H-05-4122

ORDER STRIKING AMENDED COMPLAINT

State inmate Patrick A. Ghosh has filed this action under 42 U.S.C. § 1983, alleging violations of his civil rights by eight individuals employed by TDCJ at the Luther Unit, where Ghosh was formerly assigned. In a separate order, the Court has authorized claims against two of these defendants to go forward.

The original complaint filed by the plaintiff engages in creative joinder of the type that is discouraged under the Federal Rules of Civil Procedure, the Prison Litigation Reform Act, and by Fifth Circuit precedent. There is an amended complaint in the record that attempts to supplement the original by adding two defendants. The individuals and the incidents alleged in the proposed amendment are not part of the same transaction or occurrence as the claims against the defendants named in the original. Accordingly, the parties and the claims referenced in the amended complaint may not be joined under Rules 18 and 20 of the Federal Rules of Civil Procedure. *See Patton v. Jefferson Correctional Center*, 136 F.3d 458, 464 (5th Cir. 1998) (discouraging “creative joinder of actions” by


prisoners attempting to circumvent the PLRA's three-strikes provision).

Accordingly, the Clerk is **ORDERED** to strike the amended complaint (Doc. #7) from the record.

The plaintiff is admonished that additional amendments or supplements to the complaint filed without prior court approval will be stricken without further notice.

The Clerk will provide copies of this order to the parties.

SIGNED at Houston, Texas on **May 12, 2006**.



Nancy F. Atlas
United States District Judge